

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WILLIE THOMAS GOSIER,

Plaintiff,

-v-

6:23-CV-1485

DAVID J. COLLINS *et al.*,

Defendants.

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APPEARANCES:

OF COUNSEL:

WILLIE THOMAS GOSIER

Plaintiff, Pro Se

24067

Oneida County Correctional Facility

6075 Judd Road

Oriskany, NY 13424

DAVID N. HURD

United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On November 29, 2023, *pro se* plaintiff Willie Thomas Gosier (“plaintiff”), who was recently released to State parole, filed this 42 U.S.C. § 1983 action alleging that the defendants violated his civil rights during a traffic stop in Rome, New York. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 2, 3.

On March 8, 2024, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff's IFP Application and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with leave to amend. Dkt. No. 4. That R&R was adopted without objection. Dkt. No. 5. Thereafter, plaintiff filed an amended complaint. Dkt. No. 9.

On October 25, 2024, Judge Dancks reviewed the amended complaint and advised by R&R that the pleading be accepted for filing to the extent that it asserts: (1) Fourth Amendment false arrest claims against defendants John Doe #1 and John Doe #2; and (2) Fourth Amendment malicious prosecution claims against defendants Collins, Salle, John Doe #1, and John Doe #2. Dkt. No. 11. However, Judge Dancks recommended that plaintiff's other claims be dismissed without prejudice for failure to state a plausible claim. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 11. Upon review for clear error, Judge Dancks's R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 11) is ACCEPTED;
2. Plaintiff's amended complaint is ACCEPTED for filing to the extent that it asserts: (1) Fourth Amendment false arrest claims against defendants John Doe #1 and John Doe #2; and (2) Fourth Amendment malicious

prosecution claims against defendants Collins, Salle, John Doe #1, and John Doe #2;

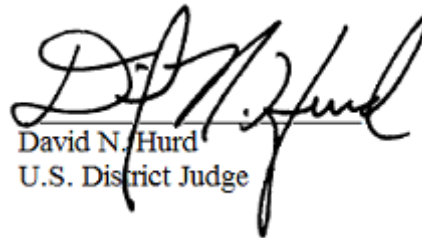
3. The remaining claims in plaintiff's amended complaint are  
DISMISSED; and

4. This matter is REFERRED to Judge Dancks for an appropriate Order regarding service on the named defendants.

The Clerk of the Court is directed to terminate the pending motion.

IT IS SO ORDERED.

Dated: November 13, 2024  
Utica, New York.



David N. Hurd  
U.S. District Judge